

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:
Derrick L Tarver

CASE NO. 20-20462-kl
CHAPTER 13

Debtor

AGREED ORDER

Comes now the Chapter 13 Trustee, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust, ("U.S. Bank"), by counsel, and Debtor, and Co-Debtor, Janeen Walker Tarver, and agree as follows:

1. U.S. Bank holds a mortgage dated December 6, 2006 and recorded January 9, 2007, in the Office of the Recorder of Lake County, Indiana under Instrument Number 2007 002248 against the real estate located at 2161 Ellsworth Street, Gary, IN 46404 and legally described as:

Lot 33, 34, 35, and 36, Block 1 in Fairmount Park Addition in the City of Gary, as per plat thereof, recorded in Plat Book 10, page 10, page 21, in the Office of the Recorder of Lake County, Indiana.

(the "Real Estate").
2. In the event that the debtor's case is dismissed, or converts to another chapter under title 11 of the United States Code, U.S. Bank shall be granted automatic *in rem* relief from the automatic stay and *in rem* relief from the co-debtor stay as to the Real Estate in order to enforce its mortgage against the Real Estate effective upon dismissal or conversion for a period of 2 years following the date of dismissal or conversion, so that in the event that either Derrick L. Tarver, or Janeen Walker Tarver, or any other party claiming an interest in the Real Estate after this order is recorded files a bankruptcy subsequent to this bankruptcy case, the automatic stay and any co-debtor stay shall not apply to U.S. Bank, its agents, successors or assigns and their efforts to foreclose on the mortgage against the Real Estate.
3. This order shall be recorded with the Lake County Recorder's Office after entry and shall be binding on those parties who signed it and any subsequent party claiming interest in the real estate after the date of recordation.
4. The Chapter 13 Trustee is authorized to commence mortgage payments to U.S. Bank prior to confirmation retroactive to the date that the case was filed. U.S. Bank must file a proof of claim in

order to receive payments. The Chapter 13 Trustee shall hold back \$1,500.00 to be paid for administrative fees in the event that the case is dismissed prior to confirmation.

5. In the event that the Debtor defaults in the amount of two (2) or more plan payments, U.S. Bank may file a Notice of Default and the Court shall schedule a hearing on U.S. Bank's Motion for In Rem Relief from the Automatic Stay [Doc. 17].
6. This Agreed Order resolves U.S. Bank's Motion for In Rem Relief from the Automatic Stay [Doc. 17] and U.S. Bank's Objection to the Motion to Extend the Stay [Doc. 29].

SO ORDERED THIS: March 31, 2020

ML
JUDGE, UNITED STATES BANKRUPTCY COURT

Reviewed and Approved:

Derrick L. Tarver
Derrick L. Tarver

Janeen Walker Tarver
Janeen Walker Tarver

/s/ Kevin M. Schmidt 3/30/20

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